

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-353-MOC-DCK**

MARK ALAN ZUBOFF,

Plaintiff,

v.

**UNITEDHEALTH GROUP INCORPORATED,
and UNITEDHEALTHCARE INSURANCE
COMPANY,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Remand" (Document No. 13). This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

The *pro se* Plaintiff's pending "Motion To Remand" (Document No. 13) was filed on June 21, 2013. On June 24, 2013, the Honorable Max O. Cogburn, Jr. issued an "Order" (Document No. 14) addressing Plaintiff's earlier "Objection To Removal" (Document No. 6) and clearly finding remand is inappropriate here. Judge Cogburn specifically opined that "[a]fter reviewing the complaint, . . . the court is satisfied that jurisdiction is proper and will therefore not remand this matter to state court." (Document No. 14, p.1).

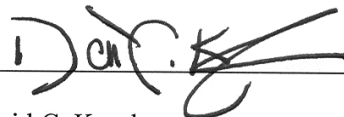
Defendant UnitedHealthCare Insurance Company ("Defendant" or "UHIC") filed a brief in opposition to the "Motion To Remand" on June 26, 2013. (Document No. 15). Defendant essentially asserts that the motion is moot, and that the law, as recognized by Judge Cogburn,

preempts any state claims. (Document No. 15). To date, Plaintiff has not filed a reply brief in support of his “Motion To Remand” and the time to do so has lapsed. See Local Rule 7.1 (E).

IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion To Remand” (Document No. 13) is **DENIED AS MOOT**.

SO ORDERED.

Signed: September 12, 2013



David C. Keesler
United States Magistrate Judge

